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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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8 UNITED STATES OF AMERICA,  
9 Plaintiff,

10 v.

11 JOEL K. PARKER,  
12 Defendant.

2:06-CR-00109-PMP-LRL  
2:13-CV-00112-PMP

ORDER

13 Before the Court for consideration is Defendant Joel Parker's fully briefed  
14 Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a  
15 Person in Federal Custody (Doc. #181). For the reasons set forth in the  
16 Government's Opposition (Doc. #183), the Court finds that Defendant Parker's  
17 Motion (Doc. #181) must be denied.

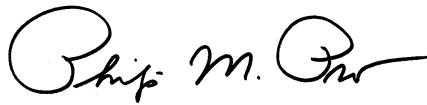
18 First, the Court finds that Defendant Parker has failed to demonstrate that  
19 the performance of his trial counsel was ineffective under the standards established  
20 by *Strickland v. Washington*, 466 U.S. 668 (1984) and its progeny. As noted in the  
21 Government's Opposition, Parker's trial counsel cannot be characterized as  
22 "ineffective" based on the allegation that the attorney failed to file a motion that was  
23 entirely without merit. Neither has Defendant Parker demonstrated that he was  
24 prejudiced by a failure of his counsel to file a frivolous pretrial motion.

25 Similarly, Parker's argument that his attorney's performance on appeal was  
26 ineffective is also without merit. Indeed, it appears that every argument Defendant

1 Parker now makes was in fact raised on direct appeal, litigated and lost.

2 **IT IS THEREFORE ORDERED** that Defendant Parker's Motion  
3 Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in  
4 Federal Custody (Doc. #181) is **DENIED**.

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6 DATED this 19th day of February, 2013.

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PHILIP M. PRO  
United States District Judge